

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 110007-EI  
ORDER NO. PSC-11-0502-CFO-EI  
ISSUED: October 27, 2011

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S  
THIRD REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION  
FOR MATERIALS PROVIDED PURSUANT TO AUDIT NO. 05-033-4-1  
(DOCUMENT NOS. 07166-05 AND 02010-11)

On March 28, 2011, Florida Power & Light Company (FPL or Company) filed its Third Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit 05-033-4-1 (Third Request). The documents in question have been assigned Document Nos. 07166-05<sup>1</sup> and 07567-05<sup>2</sup> and are associated with the Environmental Cost Recovery Clause audit for the year ended 2005. By Order Nos. PSC-05-0917-CFO-EI (as amended by PSC-05-0917A-CFO-EI), PSC-07-0582-CFO-EI, and PSC-09-0708-CFO-EI, issued respectively in Docket Nos. 050007-EI, 070007-EI, and 090007-EI, the Florida Public Service Commission (Commission) granted confidential classification for specific information in the Documents. By its Third Request, FPL asks that some, but not all, of the information that previously has been granted confidential classification remain confidential. The information which FPL asserts should remain confidential is specifically described in Exhibit C of the Company's Third Request and is highlighted in Exhibit A of the Company's Third Request. The latter has been assigned Document No. 02010-11 and represents a replacement for Document No. 07567-05.<sup>3</sup>

Upon review, it appears that the information in Document Nos. 07166-05 and 02010-11, identified by the Company in the Third Request, has not become stale, is not publicly known, and continues to be proprietary confidential business information within the meaning of Section 366.093, Florida Statutes. Section 366.093(4), F.S., provides that any finding by the Commission that records contain proprietary confidential business information may be effective for an additional period of 18 months with good cause shown. FPL has demonstrated that good cause exists for the Commission to extend the confidential treatment of the identified information. Accordingly, the information identified in Document Nos. 07166-05 and 02010-11, as more fully described in Exhibit C of the Company's Third Request and highlighted in Exhibit A of the Company's Third Request, shall be granted confidential classification for a period of 18 months from the issuance date of this Order.

<sup>1</sup> Original work paper.

<sup>2</sup> Work paper with confidential information highlighted.

<sup>3</sup> Document No. 02010-11 contains the same information as Document No. 07567-05 except that less information has been highlighted as confidential. Thus, Document No. 07567-05 shall be returned to the Company and its status is not otherwise addressed in this Order.

DOCUMENT NUMBER-DATE

07911 OCT 27 =

FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that the identified information contained in Document Nos. 07166-05 and 02010-11 is hereby granted continued confidential classification for a period of 18 months from the issuance date of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 27th day of October, 2011.



RONALD A. BRISÉ  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

CWM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case

ORDER NO. PSC-11-0502-CFO-EI

DOCKET NO. 110007-EI

PAGE 3

of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.